

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 10, “General Industry Safety and Health Rules,” and Chapter 26, “Construction Safety and Health Rules,” Iowa Administrative Code.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), has amended general industry and construction standards concerning respirable crystalline silica, eye and face protection, and work performed near electrical equipment. The Iowa Labor Commissioner must adopt the federal standards by reference.

Federal OSHA made major, substantive changes to the standards for respirable crystalline silica. Respirable crystalline silica causes lung cancer, silicosis, chronic obstructive pulmonary disease, and kidney disease. Standards for silica exposure were adopted in 1971 and have not been changed significantly since. The prior standards are obsolete due to new medical evidence, new sampling techniques, and changing workplaces.

The new federal respirable crystalline silica standards have a five-year implementation schedule, and Iowa will follow the federal schedule.

In other rule making, federal OSHA updated references to current editions of national consensus standards for eye and face protection and corrected errors in prior rule making pertaining to electrical protection standards. Federal OSHA published notice of proposed rule making concerning eye and face protection and received no significant objections. Federal OSHA determined that public notice and opportunity for comment were not required for the corrections to the electrical protection standards.

The principal reasons for adoption of these amendments are to implement legislative intent, protect the safety and health of Iowa workers, and make Iowa’s regulations current and consistent with federal regulations. Pursuant to Iowa Code subsection 88.5(1) and 29 CFR 1953.5, Iowa must adopt changes to the federal occupational safety and health standards.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on May 17, 2016, a public hearing will be held on May 18, 2016, at 10 a.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than May 18, 2016, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

No variance procedures are included in this rule. Variance procedures are set forth in 875—Chapter 5.

After analysis and review of this rule making, jobs could be impacted. However, these amendments are implementing federally mandated regulations, and the state of Iowa is only implementing the federal regulations. The requirements imposed on Iowa businesses by these regulations do not exceed those imposed by federal law.

These amendments are intended to implement Iowa Code section 88.5 and 29 CFR 1953.5.

The following amendments are proposed.

ITEM 1. Amend rule **875—10.20(88)** by inserting the following at the end thereof:
80 Fed. Reg. 60036 (October 5, 2015)
81 Fed. Reg. 16090 (March 25, 2016)
81 Fed. Reg. 16861 (March 25, 2016)

ITEM 2. Amend rule **875—26.1(88)** by inserting the following at the end thereof:
80 Fed. Reg. 60039 (October 5, 2015)
81 Fed. Reg. 16092 (March 25, 2016)
81 Fed. Reg. 16875 (March 25, 2016)